

REMARKS

Please reconsider the claims in the application in view of the remarks below.

Claim Rejection ~ 35 U.S.C. §103

Claims 1, 2, 12-15, 25, 26 and 33 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,405,315 ("Burns") in view of U.S. Patent No. 6,959,384 ("Serret-Avila"). The Office Action rejected claims 3, 7-8, 10, 11, 20, 21, 23, 24, 27, 29-32 under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns in view of Serret-Avila and further in view of U.S. Patent No. 6,931,543 ("Pang"), in view of U.S. Patent No. 5,124,117 ("Tatebayashi"). Claims 4, 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns and Serret-Avila in view of U.S. Patent No. 5,608,801 ("Aiello"). Of the pending claims, claims 1, 14, 25 and 33 are independent.

In responding to the applicants' previous arguments that Burns and Serret-Avila do not disclose or suggest storing integrity tree data structure at the client and that the root data structure is not written out to the storage device, the Examiner cites Serret-Avila's Col. 8, lines 46-69 and Col. 14, lines 59-64 as allegedly disclosing those elements. Serret-Avila as understood by applicants discloses authenticating integrity of stream data that is sent from the sender to the receiver. Serret-Avila's sender encodes the stream data, then sends the encoded data and corresponding signature or check values to the receiver. Serret-Avila's receiver receives the data and signature or check values to decode and authenticate the data. Serret-Avila thus as understood by applicants discloses exchanging the signature or check values between the sender and receiver. Unlike the Examiner's interpretation, Serret-Avila does not disclose or suggest that its signature or check values are kept only with the sender that encodes the data. While Col. 8, lines 46-69 and Col. 14, lines 59-64 appear to say that the check values are "saved for later use

and/or transmission”, that passage is not disclosing or suggesting that only its sender keeps the check values. Rather, it is save for later use, i.e., for sending it to the receiver. Further reading of Serret-Avila confirms applicants’ understanding. For instance, Col. 9, starting at line 53 describes that the sender sends the check values along with the data blocks. Col. 10, starting at line 52 specifically discloses that the receiver receives the data blocks and signed check values. The Examiner’s allegation that Serret-Avila stores the hash value only at the client appears erroneous since the purpose of Serret-Avila is to convey the hash value encoded by the sender to the receiver in order for the receiver to verify or authenticate the data received from the sender. Serret-Avila’s method would not work if its check values and signatures were kept only with the sender. For at least that reasons, applicants believe Serret-Avila does not disclose or suggest storing integrity tree data structure at the client and that the root data structure is not written out to the storage device.

For at least the above reasons, applicants believe that independent claims 1, 14, 25 and 33, and their respective dependent claims at least by virtue of their dependency are not obvious over Burns and Serret-Avila.

With respect to the dependent claims rejected also in view of the rest of the references, because those references fail to disclose or suggest what Burns and Serret-Avila lack as explained above with respect to independent claims, those dependent claims also are believed to be unobvious over the cited references.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,

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